

1 sale any transportation subject to the Motor Carrier Act or
2 negotiates for or holds himself out by solicitation,
3 advertisement or otherwise as one who sells, provides,
4 furnishes, contracts or arranges for that transportation;

5 C. "certificate" means a certificate of public
6 convenience and necessity issued under authority of the laws of
7 the state to common motor carriers;

8 D. "clerk" or "chief clerk" means the chief clerk
9 of the public regulation commission;

10 E. "commission" means the public regulation
11 commission;

12 F. "common motor carrier" means a person who
13 undertakes, whether directly or indirectly or by lease of
14 equipment or operating rights or any other arrangement, to
15 transport persons or property or any class of property for the
16 general public by motor vehicle for compensation, whether over
17 regular or irregular routes and under scheduled or nonscheduled
18 service, but does not include farm carriers and does not
19 include commuter vanpools;

20 G. "commuter vanpool" means a volunteer-driver
21 commuter group that operates a vanpool that utilizes a seven-
22 to fifteen-passenger vehicle to share rides to and from the
23 workplace or training site; where participation is open to the
24 public and incidental to the primary work- or training-related
25 purposes of the individuals in the group; and where the

1 volunteer drivers determine the daily vanpool route, have no
2 employer-employee relationship with the vanpool operator and
3 generally begin their vanpool driving duties at their home and
4 end at the individual workplace or training site;

5 H. "contract motor carrier" means a person not a
6 common motor carrier who, under individual contracts or
7 agreements and whether directly or indirectly or by lease of
8 equipment or operating rights or any other arrangements,
9 transports persons or property by motor vehicle for
10 compensation, but does not include farm carriers;

11 I. "farm carrier" means a motor vehicle registered
12 in this state being used in the transportation for hire of a
13 cargo consisting of one or several of the following: farm
14 produce, including grains, cotton, cottonseed, vegetables, hay
15 and other farm products; livestock feed; livestock; stock salt;
16 manure; wire; posts; dairy products; and farm or ranch
17 machinery except tractors weighing more than forty-five
18 thousand pounds;

19 J. "highway" means the public roads, highways,
20 streets and ways in this state;

21 K. "household goods" means:

22 (1) personal effects and property used or to
23 be used in a dwelling when a part of the equipment or supply of
24 the dwelling and other similar property as the commission may
25 provide by rule; except that this paragraph shall not be

. 144321. 1

underscored material = new
[bracketed material] = delete

1 construed to include property moving from a factory or store,
2 except property as the householder has purchased with intent to
3 use in his dwelling and that is transported at the request of,
4 and the transportation charges paid to the carrier by, the
5 householder;

6 (2) furniture, fixtures, equipment and the
7 property of stores, offices, museums, institutions, hospitals
8 or other establishments when a part of the stock, equipment or
9 supply of stores, offices, museums, institutions, hospitals or
10 other establishments and other similar property as the
11 commission may provide by rule; except that this paragraph
12 shall not be construed to include the stock-in-trade of any
13 establishment, whether consignor or consignee, other than used
14 furniture and used fixtures, except when transported as
15 incidental to the moving of the establishment, or a portion of
16 it, from one location to another; and

17 (3) articles, including objects of art,
18 displays and exhibits, that, because of their unusual nature or
19 value, require the specialized handling and equipment usually
20 employed in moving household goods and other similar articles
21 as the commission may provide by rule; except that this
22 paragraph shall not be construed to include any article,
23 whether crated or uncrated, that does not, because of its
24 unusual nature or value, require the specialized handling and
25 equipment usually employed in moving household goods;

. 144321. 1

underscored material = new
[bracketed material] = delete

1 L. "interested parties" shall in all cases include
2 all carriers operating over the routes or any part thereof or
3 in the territory involved in an application for a certificate
4 or permit or an application to file or change a schedule of
5 rates, charges or fares or a rule or practice, and other
6 parties as the commission may deem interested in the particular
7 matter;

8 M "irregular route" means a course to be used by a
9 motor carrier that is not restricted to any specific highway
10 within the area the motor carrier is authorized to serve;

11 N. "lease" means an arrangement whereby a motor
12 carrier augments his equipment by use of equipment owned by
13 others;

14 O. "license" means a license issued pursuant to the
15 Motor Carrier Act to a broker;

16 P. "motor carrier" includes common motor carriers,
17 contract motor carriers and any person performing for-hire
18 transportation service without authority from the commission
19 and farm carriers;

20 Q. "motor vehicle" means a vehicle, machine,
21 tractor, trailer or semi-trailer propelled or drawn by
22 mechanical power and used upon the highways in the
23 transportation of property or persons, but does not include any
24 vehicle, locomotive or car operated exclusively on rail or
25 rails;

. 144321. 1

1 R. "permit" means a permit issued under authority
2 of the laws of this state to contract motor carriers;

3 S. "person" means an individual, firm, partnership,
4 corporation, company, association or organization and includes
5 any trustee, receiver, assignee or personal representative
6 thereof;

7 T. "regular route" means a fixed, specific and
8 determined course to be traveled by a motor carrier's vehicles
9 rendering service to, from or between various points,
10 localities or municipalities in this state;

11 U. the "services" and "transportation" to which the
12 Motor Carrier Act applies include all vehicles operated by, for
13 or in the interest of any motor carrier irrespective of
14 ownership or of contract, express or implied, together with all
15 facilities and property controlled by any motor carrier and
16 used in the transportation of persons or property or in the
17 performance of any service in connection therewith;

18 V. "shipper" means a person who consigns or
19 receives goods for transportation;

20 W. "single-line rate" means a rate, charge or
21 allowance proposed by a single common motor carrier of property
22 that is applicable only over its line and for which the
23 transportation can be provided by that common motor carrier;

24 X. "state" means New Mexico;

25 Y. "taxicab service" means a common motor carrier

1 engaged in unscheduled passenger transportation in a motor
2 vehicle having a capacity of not more than eight passengers,
3 including the driver, not operated on a regular route or
4 between specified places, and that:

5 (1) is licensed as a taxicab by a state or a
6 local jurisdiction; or

7 (2) if not licensed or regulated by a state or
8 local jurisdiction as a taxicab service, is offered by a person
9 that:

10 (a) provides local transportation for a
11 fare determined, except with respect to transportation to or
12 from airport, train or bus terminals, primarily on the basis of
13 the distance traveled; and

14 (b) does not primarily provide
15 transportation to or from one or more airport, train or bus
16 terminals;

17 Z. "terminal shuttle service" means a common motor
18 carrier engaged in passenger transportation service that:

19 (1) is:

20 (a) pre-arranged by contract; or

21 (b) operated for hire on a regular
22 route, allowing for deviation to pick up or drop off
23 passengers, between specified or generally specified points;
24 and

25 (2) primarily provides transportation to or

underscored material = new
[bracketed material] = delete

1 from one or more airport, train or bus terminals but may also
2 provide for intermediate pickup and departure of passengers;

3 [Y-] AA. "towing company" means a common motor
4 carrier engaged in transporting for hire disabled or abandoned
5 motor vehicles by means of a tow truck or flatbed vehicle
6 carrier; and

7 [Z-] BB. "weight-bumping" means the knowing and
8 willful making or securing of a fraudulent weight on a shipment
9 of household goods that is subject to the jurisdiction of the
10 commission under the Motor Carrier Act. "

11 Section 2. Section 65-2-83 NMSA 1978 (being Laws 1981,
12 Chapter 358, Section 4, as amended) is amended to read:

13 "65-2-83. POWERS AND DUTIES OF COMMISSION. -- The
14 commission is vested with power and authority, and it is its
15 duty to:

16 A. regulate common motor carriers as provided in
17 the Motor Carrier Act, and to that end, the commission shall
18 establish reasonable requirements with respect to continuous
19 and adequate service and shall establish reasonable
20 requirements with respect to uniform systems of accounts,
21 records and reports and preservation of records;

22 B. regulate contract motor carriers as provided in
23 the Motor Carrier Act, and to that end, the commission shall
24 establish reasonable requirements with respect to uniform
25 systems of accounts, records and reports and preservation of

1 records;

2 C. regulate, as intrastate services, taxicab
 3 services and terminal shuttle services, including those that
 4 may operate in part between this state and other states;
 5 provided that the service provides, with regard to any service
 6 run, for both:

7 (1) initiation of the transportation of one or
 8 more passengers within this state; and

9 (2) delivery to a departure point within this
 10 state of one or more passengers whose transportation on that
 11 service run was initiated at a point within this state;

12 [~~E.~~] D. regulate brokers as provided in the Motor
 13 Carrier Act, and to that end, the commission shall establish
 14 reasonable requirements with respect to licensing, financial
 15 responsibility, accounts, records, reports, operations and
 16 practices of any such person;

17 [~~D.~~] E. prescribe rules, regulations and procedures
 18 for the administration of the Motor Carrier Act, to make all
 19 necessary orders and do all things necessary to administer,
 20 execute, carry out and enforce the provisions of that act,
 21 except those powers set forth in Section 65-1-6 NMSA 1978; and

22 [~~E.~~] F. prescribe rules and procedures for default
 23 proceedings. In the event no protest or intervention is filed
 24 by a party within thirty (30) days of the date of notice to
 25 parties required to be notified by statute and to such other

. 144321. 1

underscored material = new
 [bracketed material] = delete

1 persons as the commission shall direct, a default proceeding
2 may be held at any time thereafter pursuant to rules and
3 procedures promulgated pursuant to this subsection. "

4 Section 3. Section 65-2-115 NMSA 1978 (being Laws 1981,
5 Chapter 358, Section 36, as amended) is amended to read:

6 "65-2-115. INTERSTATE CARRIERS--CERTIFICATE OF
7 REGISTRATION--PROCEDURE. --

8 A. No common or contract motor carrier engaged
9 exclusively in interstate commerce shall operate for the
10 transportation of persons or property for hire upon any public
11 highway in this state without first either obtaining from the
12 commission a certificate of registration under the provisions
13 of this section or complying with the provisions of Section
14 65-2-115.1 NMSA 1978, as directed by the commission.

15 B. The certificate of registration shall be issued
16 to interstate carriers, as a matter of course, upon proper
17 application being made and shall designate the route and type
18 of service specified in the application. No certificate of
19 registration shall authorize the holder to engage in whole or
20 in part as a common or contract motor carrier in intrastate
21 business within this state or to engage in any business or
22 operate over any route not specified in the certificate of
23 registration. The certificate of registration shall become
24 void unless the applicant to which it is granted begins
25 operations within thirty days from the date the certificate of

. 144321. 1

1 registration is issued and shall become void if the service is
 2 thereafter discontinued or unless in either event an extension
 3 is granted upon proper showing by order of the commission. A
 4 taxicab service or terminal shuttle service is engaged in non-
 5 exempt intrastate business within the state, regardless of any
 6 prior exemption, if its service provides, with regard to any
 7 service run, for both:

8 (1) initiation of the transportation of one or
 9 more passengers within this state; and

10 (2) delivery to a departure point within this
 11 state of one or more passengers whose transportation on that
 12 service run was initiated at a point within this state.

13 C. The commission shall adopt rules prescribing the
 14 manner and form in which interstate motor carriers shall apply
 15 for certificates of registration but the application shall be
 16 in writing and sworn to and shall show: the name and address of
 17 the applicant and, if a corporation, the names of its officers
 18 and directors and their addresses; the entire route within this
 19 state over which the applicant desires to operate [~~and~~]; the
 20 kind of transportation, whether passenger or freight or both,
 21 in which the applicant proposes to engage together with a brief
 22 description of each vehicle which the applicant intends to use,
 23 including the seating capacity if for passenger traffic or the
 24 tonnage capacity if for freight; a specification of the
 25 proposed schedule, the proposed rate schedule or schedules of

. 144321. 1

1 rates for transportation or for services in connection
2 therewith; and other information as the commission may require
3 covering observance of New Mexico state police regulations and
4 payment of license taxes and fees.

5 D. This certificate of registration shall be
6 subject to all the motor carrier provisions of the revised
7 Interstate Commerce Act, as amended, Subtitle 4, Title 49,
8 United States Code. "

9 Section 4. EFFECTIVE DATE. --The effective date of the
10 provisions of this act is July 1, 2003.